

Kaibab Piute Roadside Business Sites

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into by and between the STATE OF ARIZONA, acting by and through the Arizona Department of Transportation, Highway Division, herein referred to as the STATE, and the KAIBAB PIUTE TRIBE, acting by and through its Tribal Council, hereinafter referred to as TRIBE.

WITNESSETH:

The STATE is authorized to enter into this agreement pursuant to A.R.S. Sections 28-108 and 28-1865. The TRIBE is authorized to enter into this agreement pursuant to the Constitution and Bylaws of the Kaibab Band of Paiute Indians. NOW, THEREFORE, it is hereby mutually agreed by and between the STATE and the TRIBE:

1. That the STATE shall be responsible for the following:

a. Along designated highways within the State system on the reservation construct an approach to an area adjacent to the right of way (as depicted in Exhibit A attached) in which roadside business may be conducted. No such sites and approaches will be allowed along interstate routes, and no business shall be conducted within the right of way.

b. These sites will be selected after consultation with the tribe. <sup>as of 1/1/84</sup> safety considerations will be paramount.

c. The expense of constructing these approaches will restrict the State's obligation to construct same, subject to the availability of funds.

d. The STATE will furnish "ROADSIDE BUSINESS AHEAD" signs in advance of all roadside business sites.

2. The TRIBE shall, except as otherwise expressly provided in this agreement, have jurisdiction and control over, and be responsible for the following:

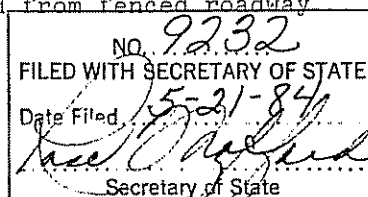
a. Upon completion of the approach to the site by the Arizona Department of Transportation, the TRIBE, acting through its Council and the Tribal Police, will require roadside businesses to operate only in the designated business area as depicted on Exhibit A, outside of the right of way.

b. Improvements to the site, sales booths, maintenance of the improvements, garbage disposal, etc., will be the responsibility of the TRIBE.

c. Upon occupancy of a roadside business site, all stands within the section of highway affected that are not in the roadside business site shall be removed.

d. The Tribal Police will not allow reestablishment or establishment of a stand or business not in a designated, improved site as shown on Exhibit A.

e. The TRIBE shall, through education and enforcement, insure that livestock are prohibited from fenced roadway sections.



f. The TRIBE will be responsible for installation and maintenance of fencing around the business area sites as shown on Exhibit A.

This Agreement shall remain in force and effect until terminated by either the STATE or the TRIBE upon thirty (30) days written notice of that intent, except, however, that the parties hereto shall retain any continuing obligations contemplated by this Agreement for already completed areas.

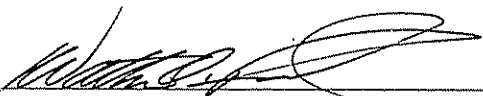
All work performed under the provisions of this Agreement shall be performed in a manner satisfactory to the Arizona Department of Transportation.

All parties are hereby put on notice that this agreement is subject to cancellation by the Governor pursuant to A.R.S. Section 38-511.

This Agreement shall be filed with the Secretary of State and shall become effective on the 21<sup>st</sup> day of MAY, 1984, but in no event prior to its being filed with the Secretary of State.

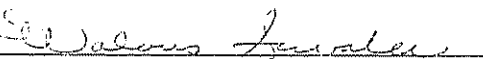
IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

STATE OF ARIZONA  
Arizona Department of Transportation

By: 

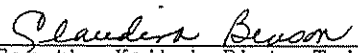
Title: ACTING STATE ENGINEER

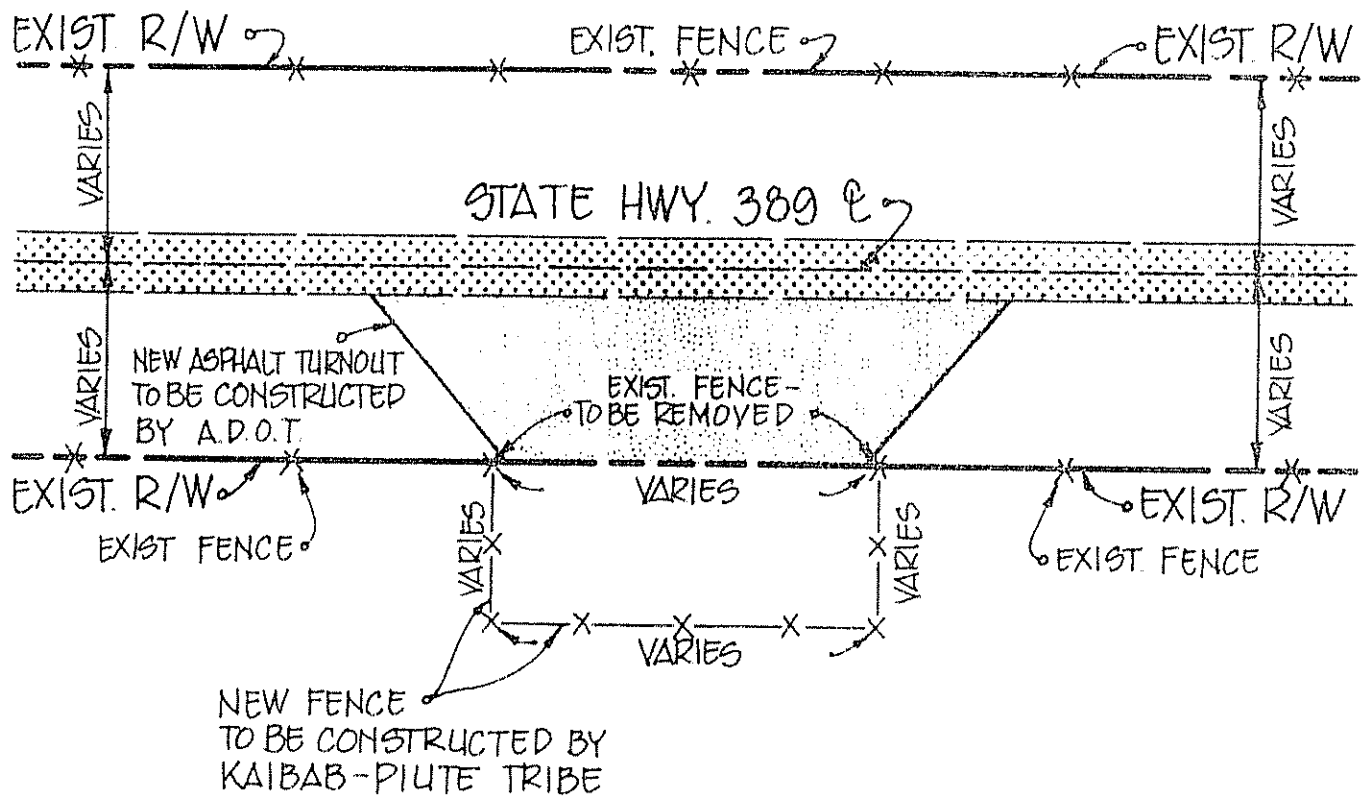
KAIBAB PIUTE TRIBE

By: 

Title: Tribal Chairperson

ATTEST

  
For the Kaibab Piute Tribe



ROADSIDE BUSINESS AREA  
 A.D.O.T. / KAIBAB-PIUTE TRIBE  
 ~ TYPICAL LAYOUT ~  
 (NOT FOR INTERSTATE HIGHWAY USE)  
 EXHIBIT "A"

Kaibab Piute Roadside Business Sites

Section: Designated Highways  
Within the Reservation

RESOLUTION

BE IT RESOLVED on this 22nd day of April, 1983,  
that I, W. A. Ordway, as Director, ARIZONA DEPARTMENT OF  
TRANSPORTATION, have determined that it is in the best interests  
of the State of Arizona that the DEPARTMENT OF TRANSPORTATION,  
acting by and through the Highways Division, enter into an  
Intergovernmental Agreement with the Kaibab Piute Tribe for  
construction, along designated highways within the State system  
on the reservation, of an approach to an area adjacent to the  
right of way in which roadside business may be conducted.  
(See Exhibit A attached).

Therefore, authorization is hereby given to draft said Agreement  
which, upon completion, shall be submitted for approval and  
execution by the Chief Deputy State Engineer.

  
\_\_\_\_\_  
W. A. Ordway, Director  
Arizona Department of Transportation

JDC:ea

RESOLUTION OF THE  
KAIBAB BAND OF PAIUTE INDIANS

K-3-84

WHEREAS, The Kaibab Band of Paiute Indians are a federally recognized Tribe established by Executive Order of October 16, 1907 and are guaranteed the right to exercise certain rights in accordance with the Indian reorganization Act of 1934; and

WHEREAS, the Kaibab-Paiute Tribal Council has met with representatives of the Arizona Department of Transportation (ADOT) for the purpose of constructing and establishing a Roadside Business along Highway 389 on the Kaibab-Paiute Reservation; and

WHEREAS, a Memorandum of Agreement has been drawn up and reviewed by the Kaibab-Paiute Tribal Council and the tribe's legal counsel and find everything to be in final form; and

NOW THEREFORE BE IT RESOLVED, That the Kaibab-Paiute Tribal Council hereby approves this Memorandum of Agreement between the Kaibab-Paiute Tribe and the State of Arizona for the purpose of constructing and establishing a Roadside Business on the Kaibab-Paiute Reservation along Highway 389; and

BE IT FURTHER RESOLVED, that this Roadside Business be for the purpose of a Rest Area and a Place of Business for the Kaibab-Paiute Tribal Member; and

BE IT FURTHER RESOLVED, that the Kaibab-Paiute Tribal Council hereby authorizes the Chairperson or Vice-Chairman to enter into this Memorandum of Agreement with the State of Arizona and any amendments thereto; and

BE IT FURTHER RESOLVED, that any major amendments and negotiation to this Agreement on behalf of the Kaibab-Paiute Tribe should first be approved by the full Tribal Council; and

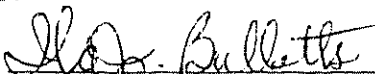
BE IT FINALLY RESOLVED, that this Memorandum of Agreement become effective upon signatures of all authorized authorities.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was regularly adopted by the Kaibab-Paiute Tribal Council on the 24th day of April 1984, at a regular council meeting at which a quorum was present with a vote of 3 in favor, 0 against, 1 absent, 1 vacancy. This is pursuant to authority vested in the Kaibab-Paiute Tribal Council by Section 1 (k) of Article V of the Tribal Constitution and Bylaws, ratified by the tribe on May 15, 1951, and approved by the Secretary of the Interior on June 15, 1951, pursuant to Section 16 of the Act of June 18, 1934.

  
Gloria L. Bulletts, Chairperson  
Kaibab-Paiute Tribal Council

ATTEST:

  
Ila J. Bulletts, Sec./Treas.  
Kaibab-Paiute Tribal Council



OFFICE OF THE  
**Attorney General**

TRANSPORTATION DIVISION  
1275 WEST WASHINGTON  
PHOENIX, ARIZONA 85007  
(602) 255-1680

ROBERT K. CORBIN  
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

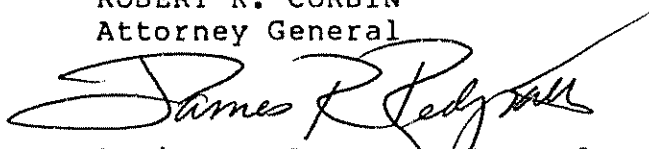
DETERMINATION

A. G. Contract No. 84-246, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 17<sup>th</sup> day of May, 1984.

ROBERT K. CORBIN  
Attorney General

  
Assistant Attorney General  
Transportation Division